

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Shamika Simon,

Plaintiff,

MEMORANDUM & ORDER

#23-cv-7796 (EK) (LKE)

-against-

New York City Department of
Education, Abe Stark Primary School
346, Kevin Caifa, Polixeni Valfadi,

Defendants.

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ERIC KOMITEE, United States District Judge:

The joint Motion to Stay Discovery, ECF No. 21, is granted. District courts may stay discovery for good cause pending the resolution of a motion to dismiss. See Fed. R. Civ. P. 26(c); *Chesney v. Valley Streak Union Free Sch. Dist. No. 24*, 236 F.R.D. 113, 115 (E.D.N.Y. 2006). “[C]ourts have considered the following factors in determining whether a stay of discovery is appropriate pending the outcome of a dispositive motion: (1) whether the defendant has made a strong showing that the plaintiff's claim is unmeritorious; (2) the breadth of discovery and the burden of responding to it; and (3) the risk of unfair prejudice to the party opposing the stay.” *Long Island Hous. Servs., Inc. v. Nassau Cnty. Indus. Dev. Agency*, No. 14-cv-3307, 2015 WL 7756122, at *2 (E.D.N.Y. Dec. 1, 2015) (internal quotations omitted); see also *Johnson v. N.Y. Univ. Sch. Of*

Educ., 205 F.R.D. 433, 434 (S.D.N.Y. 2002) (staying discovery where plaintiff would not be prejudiced, the stay “may obviate the need for burdensome discovery” and “defendant’s motion to dismiss is potentially dispositive and does not appear to be unfounded in the law”).

Each factor weighs in favor of a stay here. While we express no view on the outcome of Defendants’ Motion to Dismiss, they have raised serious questions about the legal viability of the complaint. See Mot. to Dismiss, ECF No. 23; Pl.’s Opp’n, ECF No. 26. Second, the breadth and burden of discovery may be narrowed substantially following resolution of the motion to dismiss. Third, the parties agree that there is no unfair prejudice to either side by staying discovery and jointly move for the stay. Mot. to Stay, ECF No. 21 at 2. Thus, a discovery stay is appropriate.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: December 2, 2024
Brooklyn, New York